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 CORY SPENCER, DIANA MILENA  
 19 REED, and COASTAL PROTECTION  
 20 RANGERS, INC.

21 **UNITED STATES DISTRICT COURT**  
 22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 23

24 CORY SPENCER, an individual;  
 25 DIANA MILENA REED, an  
 individual; and COASTAL  
 26 PROTECTION RANGERS, INC., a  
 27 California non-profit public benefit  
 28 corporation,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF KENNETH  
 CLAYPOOL IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. S. James Otero  
 Date: February 21, 2017

1 Plaintiffs,

2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
representative capacity; and DOES  
1-10,

Defendants.

Time: 10:00 a.m.  
Crtrm.: 10C

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

15 I, Kenneth Claypool, declare as follows:

16 1. My wife and I have lived in the City of Lomita for the last sixteen years.

17 I have personal knowledge of the facts set forth herein, except as to those  
18 stated on information and belief and, as to those, I am informed and believe  
19 them to be true. If called as a witness, I could and would competently testify  
20 to the matters stated herein.

21 2. My love for the ocean and passion for surfing began at the age  
22 of nine when our family moved from Culver City to Torrance. Moving to a  
23 surfing community changed the lives of my brother Chris and me forever.  
24 We spent countless hours of our youth at the beach, and until my  
25 experiences described in this declaration that involve the Bay Boys and the  
26 City of Palos Verdes Estates, surfing was always an activity that filled my life  
27 with joy.

28 3. I went to Torrance High School and took surfing classes until my

1 graduation in 1982. My friends and I primarily surfed the "Avenues" in the  
2 City of Redondo Beach. In the winter, you could see the big swells roll into  
3 Palos Verdes Estates at spots like Haggerty's, the Cove, and Indicator from  
4 our local beaches. Occasionally, we would drive to Palos Verdes Estates  
5 simply to watch the surf. Seeing those perfect pointbreaks created a lifelong  
6 obsession with wanting to surf Palos Verdes Estates and other areas of the  
7 Peninsula. But it was well known in the surfing community that the spots in  
8 Palos Verdes Estates were extremely localized. I remember first hearing  
9 this from the older guys where I surfed. Lunada Bay was known as an  
10 incredible big wave spot but a place where outsiders could not venture.  
11 There were articles in the local papers and surfing publications that  
12 confirmed the reports that I had heard from other surfers about Palos Verdes  
13 Estates and Lunada Bay specifically. Still, as a teenager, I dreamed of  
14 surfing Lunada Bay. It did not seem right that locals could claim a public  
15 beach as their own. I became determined to surf Lunada Bay.

16 4. After I graduated from high school, I worked for a couple different  
17 tile contractors. I worked hard until eventually I obtained a contractor's  
18 license and started my own business. To this day, high-end tile installation  
19 provides me great satisfaction in that I can see the results of my labor and it  
20 allows me the time to surf.

21 5. While I still understood Lunada Bay and Palos Verdes Estates'  
22 localism to be a problem, my desire to surf the waves in Palos Verdes  
23 Estates got the better of me in the mid-to-late 1990s. My friends Keith  
24 McKormick, Tom Wolley and a man named Mitch and I ventured to a spot  
25 immediately next to Lunada Bay called "Wally's." The surf was huge that  
26 day. At the bottom of the trail, the harassment from the local surfers  
27 commenced. I cannot recall exactly what the locals said to us but their  
28 comments were laced with profanities and they essentially told us that "if

1 you don't live here you can't surf here." When we paddled out, the locals did  
2 not follow the normal rules of surfing and dangerously dropped in on waves  
3 that my friends and I were surfing. Normal rules require surfers to wait their  
4 turn to ride a wave one at a time. But in this case, despite waiting our turn,  
5 the local surfers would paddle into a wave that one of us was already  
6 surfing, "drop in" on the wave, and nearly hit us. It was incredibly dangerous  
7 and careless.

8         6. When we had enough of the harassment, we made our way back  
9 up the trail to our cars. While we were surfing, other locals had flattened all  
10 the tires on both cars and someone had written the word "cooks" on the  
11 windshields with surf wax. Whoever vandalized our cars did not know the  
12 correct spelling of the word "kook."

13         7. In the mid-1990s, my wife and I purchased a 15-foot motor boat.  
14 At that time, my primary desire was to explore the California coast and fulfill  
15 my dream of surfing Hollister Ranch in Santa Barbara County (known as  
16 "the Ranch"). I understand the Ranch is a 14,000-acre working cattle ranch  
17 and private beach community that is gate-guarded 24-hours per day. In the  
18 surfing community, however, the Ranch is known for its 8.5 miles of coast  
19 and several great surfing spots. If you want to surf the Ranch, you need to  
20 either know someone with property rights in the wealthy community who will  
21 personally escort you onto the property, or you can access the Ranch by  
22 boat from the ocean. Like Palos Verdes Estates, the Ranch has  
23 tremendous waves.

24         8. My new boat proved to be the next step in my evolution as a  
25 surfer and waterman by helping to increase my comfort in the ocean and  
26 allowing me to access new areas to fish, dive and enjoy the coast. From  
27 King Harbor in Redondo Beach, it was 20 minutes to Palos Verdes and 90  
28 minutes to Catalina. My wife and I took our new boat on excursions to Palos

1 Verdes to practice for trips to the Ranch.

2 9. On numerous occasions, we took our boat and attempted to  
3 watch the surf at Lunada Bay from the sea. But even from the water, the  
4 local surfers harassed us. They would scream curse words from the shore  
5 and water in an effort to intimidate us. There was a time that the local  
6 Lunada Bay surfers had a 10-to-12-foot dory-style row boat they would use  
7 to police the surfing line-up and harass outsiders. On more than one  
8 occasion, they used their boat to circle us and block our movement. They  
9 have threatened us from that row boat. Attached to this declaration as  
10 **Exhibits "1-2"** are pictures of that row boat that I took from my boat.

11 10. Around March 1995, I was watching a local news station  
12 broadcast involving a surfer named Geoff Hagins, his nephew, and several  
13 others who were assaulted at Lunada Bay by Peter McCullom. This incident  
14 became big news and I continued to follow the story. The story angered me.  
15 I remember that McCullom, who appeared to be a large man, had  
16 threatened several young boys who looked like they were barely old enough  
17 to be in high school. Despite his large stature, I recall he puffed his chest to  
18 appear even larger and threatened the boys by saying something like: "you  
19 won't come around here again." Simply put, McCollum and other Lunada  
20 Bay local surfers were bullying others.

21 11. On November 5, 1995, I attended "Take Back Our Public  
22 Beaches Day -- Surf Lunada Bay Peaceful Protest," a public protest of  
23 localism in Palos Verdes which was organized by Geoff Hagins. There were  
24 people on each side yelling at each other and lots of screaming. But a few  
25 Lunada Bay locals were becoming extra aggressive. It was out of control  
26 with the Bay Boys screaming and demonstrating physically threatening  
27 behavior. It seemed like the locals wanted to start a fight and it became  
28 close to a brawl. But someone called in bomb threat and the police made

1 the visitors and others on the shoreline leave the beach. Attached as  
2 **Exhibit "3"** to this declaration is a screen shot taken of a news clip show me  
3 at the demonstration. I am the person on the left wearing the sunglasses.

4 12. The first time that I surfed Lunada Bay was with my friend  
5 Brandon Doland. From what I recall, it was around 2002. We took the boat  
6 on a big swell and surfed the break called Avalanches on the south end of  
7 the bay, and is not the popular break. It was a big swell and while people  
8 were surfing the main point to the north, no one was surfing Avalanches.  
9 We caught a few good waves and were not hassled. I surfed Avalanches on  
10 one other occasion after that when my wife and I took the boat out and was  
11 not hassled.

12 13. The first time that I attempted to surf the right point where the  
13 Lunada Bay locals primarily surf, however, was quite a different experience.  
14 There were three boats in our group that day. It was windy and the  
15 conditions were not good for surfing. But since there was only one person in  
16 the water, I figured it would be a good time to give it a try. As soon as I  
17 reached the lineup, the person began to hassle me. He paddled over and  
18 stated: "So you are bringing the whole circus?" He was about 45 years old.  
19 Even though it was not crowded, this person purposefully and dangerously  
20 proceeded to drop in on me on about five waves. I am confident he was  
21 attempting to discourage me from returning by trying to make my experience  
22 that day completely miserable.

23 14. Also in 2002, localism in Palos Verdes Estates was being  
24 discussed in the papers and the internet. A father and his son had been  
25 beaten up by surfers belonging to what was known as the "Dirty Underwear  
26 Gang" at a spot called Indicator, north of Lunada Bay in Palos Verdes  
27 Estates. The Surfrider Foundation and the Chief of Police for Palos Verdes  
28 Estates publicly discussing the issue of localism. By this time, I had enough.

1 My dream of surfing Palos Verdes Estates was not worth getting beaten up  
2 over.

3 15. Twelve years later, sometime in 2014, however, I heard about  
4 the Aloha Point Facebook page and a movement started by Christopher  
5 Taloa to end localism at Lunada Bay. From what I understood, the idea  
6 behind the movement was to use social media to organize large surfing  
7 groups to plan trips to Lunada Bay by ensuring safety in numbers. The  
8 police would be informed in advance when people were going to surf. It is  
9 my understanding that the first peaceful protest organized against localism  
10 by Mr. Taloa was a paddle out on Martin Luther King's birthday in January  
11 2014. Unfortunately, I was not able to attend that event.

12 16. Eventually, I met Mr. Taloa at one of the planned gatherings at  
13 Lunada Bay. I was really excited to meet him. He is a former professional  
14 bodyboarder and one of the actors in the film Blue Crush. Ironically, he  
15 played the role of a local surfer in that film. Mr. Taloa was talking to a police  
16 officer when I arrived at Lunada Bay. There were approximately twenty  
17 locals watching. I made it a point to ensure the locals noticed me speaking  
18 with Mr. Taloa. It felt empowering. This might seem silly for a man in his 50s  
19 say such a thing but it is true. Mr. Taloa was not afraid of those thugs and it  
20 felt good to finally be a part of something that could end years of unfair  
21 exclusion in Palos Verdes Estates. Some of the locals knew me, including  
22 Angelo Ferrara, and I wanted them to know I was ready to stand my ground.

23 17. The movement started by Mr. Taloa led to a lot of chatter on  
24 social media. There were many people talking on Facebook about meeting  
25 at Lunada Bay to surf but no one would show up. I suspect this is because  
26 they were afraid.

27 18. One morning in February 2014, I went to surf Lunada Bay and  
28 arrived at 4:45 am. I walked to an area of the cliff north of the trail to check



1 the waves. Suddenly two guys walked up to me - one on each side. They  
2 stood unusually close to me, particularly since I did not know them, and  
3 stared at me trying to intimidate me. I was so frightened that I walked back  
4 to my truck but the two men followed me. The guy on my left was large with  
5 sandy blond hair and looked middle aged. The guy on my right and had  
6 brown or black hair and was thinner and younger. I did not feel safe so I got  
7 in my car and left.

8 19. March 11, 2014 was the first time that I surfed Lunada Bay since  
9 that windy day many years before. I drove there with my friend Tom Wolley  
10 who stayed on the top of the bluff with a camera and cell phone. As I  
11 walked down the "goat trail" nearest the point in front of the Rock Fort, a  
12 teenager passed me and turned around. I think it was Angelo Ferrara's son.  
13 Slowly walking backwards, the teenager said: "You are the one posting on  
14 Facebook. You shouldn't be here. Kook. You are starting shit on FB."  
15 Around this time, people were posting things on the Aloha Point Facebook to  
16 encourage outsiders to surf at Lunada Bay. I guess this kid thought I had  
17 something to do with it.

18 20. I then attempted to make my way down the goat trail to the  
19 water, but because I had never used the trail before and because it is not  
20 marked, I accidentally took a turn down a wrong extension and could have  
21 fallen. It was extremely frightening. When I eventually made it to the bottom  
22 and started putting on my wetsuit, one of the local surfers immediately got in  
23 my face. He was about 5'10 and wearing faded jeans. He was within  
24 inches of my face yelling how stupid I was and that I had no business being  
25 down there. I could feel spit from his mouth hit my face as he screamed:  
26 "Go out in the water and see what happens. You should just go now. Get out  
27 of here now. You're lucky you did not have to be rescued." After that guy  
28 left, another local came over and made similar comments. One after



1 another, still more locals would come over and say the same thing: "You  
2 shouldn't be here – you are not going to catch a wave," "go out there and  
3 see what happens." I ended up paddling out but never went to the peak in  
4 an effort to avoid them. I caught a few smaller waves while sitting in the  
5 water away from the locals. Attached as **Exhibit "4"** to this declaration is a  
6 picture of me in the surf that morning which was taken by Tom Wolley.

7 21. After I first introduced myself to Mr. Taloa in front of those  
8 Lunada Bay locals, strange things started happening. My main work  
9 territory for my tile business stretches from Hermosa Beach through Palos  
10 Verdes. I have done tile work on approximately twenty houses in Lunada  
11 Bay. But I started to notice that young men, whom I believe are associated  
12 with Lunada Bay, would walk by my job sites and just stare at me and not  
13 say a word. Another man showed up at Daltile, a place where customers  
14 purchase tile that I install, and mentioned Lunada Bay. I also got spit on in  
15 Lomita by someone in a car that I recognized from Lunada Bay. On two  
16 separate occasions, more young men who appeared to be surfers showed  
17 up in front of my house and stared. This all occurred in approximately a two-  
18 month period. I believe these are the Lunada Bay locals who are attempting  
19 to intimidate me.

20 22. I began experiencing serious emotional problems at this point. It  
21 seemed that these people were now threatening me outside of Lunada Bay.  
22 My wife was also upset. Lunada Bay localism really disturbed me and  
23 caused me great distress. I could not understand how people could be so  
24 mean, and I also did not understand how I could be denied access to a  
25 public beach.

26 23. Still undeterred, in January 2015, my brother Chris Claypool,  
27 Jordan Wright and I decided to surf Lunada Bay. We made it to the bottom  
28 of the Southern trail and were on the rocks around 5:00 am. This is an

1 easier trail to access the beach. It was still dark, and our strategy was not to  
2 respond or engage in any way to the negative attacks; no acknowledgement  
3 whatsoever. The waves were good sized, around 12 to 15 foot faces.  
4 There were about five Lunada Bay locals in the water and more than enough  
5 waves for everyone. As we paddled out, one guy who I later learned was  
6 Brant Blakeman, paddle over to us and said "Try and catch a wave and see  
7 what happens. There is no fucking way you are getting a wave. Just go in.  
8 Just go. You better not cut me off." Blakeman was riding a green  
9 kneeboard. Attached as **Exhibit "5"** is a photo of Brant Blakeman (person  
10 changing) and the green kneeboard that he was riding that morning.

11 24. Blakeman then paddled over towards my brother and continued  
12 with his rant. "Get the fuck out of here. You are dangerous. Stay the fuck  
13 away from me." My brother just put his fingers in his ears and tried to ignore  
14 him. At one point, Blakeman caught a wave and intentionally aimed his  
15 board straight at my brother Chris, just barely missing him by a few feet. I  
16 watched as Blakeman intentionally dropped in on Jordan Wright at least  
17 twice. This was extremely dangerous; Other Lunada Bay locals also  
18 purposefully dropped in on Jordan. I later learned that Jordan broke his  
19 board on one of the waves that he was dropped in on. It was clear that  
20 Brant Blakeman and the other Lunada Bay locals were threatening me,  
21 Jordan Wright, and my brother to discourage our use of Lunada Bay and to  
22 prevent us from enjoying the beauty of the shoreline and ocean. Another  
23 local, dropped into a wave and tried to run over my brother Chris.

24 25. When my brother and I got out of water, we saw people  
25 gathering on top of the bluff near the two trailheads – impeding access and  
26 movement. The people on top of the bluff appeared to know each other,  
27 and were videotaping my brother and me as we were leaving. I believe the  
28 people on top of the bluff were locals and part of the Bay Boys and their

1 videotaping of us on the bluff was an effort to intimidate my brother and me.  
2 I believe the activities by Blakeman and the others on that day were  
3 designed to discourage my brother and me and to intimidate us so we would  
4 not return. Jordan Wright remained in the water during that time.

5 26. Because my car had previously been vandalized, I purchased a  
6 video camera that can be mounted on the dashboard of my truck. On  
7 February 10, 2015, I drove to Lunada Bay to check the surf. My video  
8 camera was running. I parked behind a black pickup truck in a location that  
9 was convenient to view the waves. There was a guy talking to someone in a  
10 blue van and watching the surf. I subsequently learned that his name was  
11 Joshua Berstein. I also learned that a local named Robert Bacon owns the  
12 blue van. When I started to drive away and passed the blue van, Berstein  
13 turned towards me and called me a "kook" in an effort to intimidate me. I  
14 have seen Mr. Berstein and the Blue Van at Lunada Bay on numerous  
15 occasions. Attached as **Exhibit "6"** is a photo of the Mr. Berstein and the  
16 Blue van.

17 27. This is not the first run-in that I have had with Mr. Berstein. Early  
18 2014 while checking the surf, I parked at Lunada Bay behind his black  
19 Toyota pickup. A few minutes later, he returned to the truck and pulled a  
20 camera out and took pictures of my license plate and began making  
21 statements like: "you are the reason that this is all happening," "every time  
22 you guys from Facebook show up is when all the trouble starts," "Why don't  
23 you just go away".

24 28. The last time that I surfed Lunada Bay was on February 5, 2016.  
25 I was with Chris Taloa and Jordan Wright. Because the police had been  
26 informed that we were coming and there was a photographer from the Los  
27 Angeles Times that was going to be there, I felt that it would be safe. Also in  
28 attendance was Cory Spencer and Diana Reed. Cory was there to watch

1 the cars. Attached as **Exhibit “7”** to this declaration is a photograph taken  
2 that day by Allen Schaben. Jordan and I are wearing wetsuits heading to go  
3 surfing. You can see from the photograph that Blakeman is on the right and  
4 was videotaping us attempting to intimidate us.

5 29. On November 28, 2016, I drove to Lunada Bay to view the  
6 destruction of the fort structure. It was impressive. The company that the  
7 City had contracted with was using a helicopter to lower workers and  
8 equipment onto the beach; because access to Lunada Bay is so limited,  
9 they chose to use a helicopter. There was news media covering the event.  
10 My dash mounted video camera was running because even with the media  
11 present I would be away from my truck so I wanted to take precautions. The  
12 City had an Easy-Up Canopy for information about the project. There were  
13 two police officers and two women who worked for the City. I walked up to  
14 the booth, and the older woman introduced herself and said that she was  
15 pleased that the City was to able to beautify the coastline and restore to its  
16 natural state. She then asked if I had any questions about the work that was  
17 being done. I responded by asking what the City was doing to deal with the  
18 localism issue. At that point, the woman said she would have to excuse  
19 herself and walked away. I could tell that she was very uncomfortable.

20 30. A or two later, I learned that on the evening of November 28,  
21 2016 some people who I believe were Bay Boys, burned a generator, keyed  
22 the door of a contractor’s truck, scratched other construction vehicles and  
23 tampered with the ignition of a tractor-trailer parked on the blufftop. I  
24 immediately reviewed the video on my dash mounted video camera and  
25 discovered that there was an individual lurking around my truck the day that  
26 I was there with his face covered by a ski mask and hooded sweatshirt.  
27 Attached as **Exhibit “8”** to this declaration screen shoots of the video.

28 31. My brother and I returned to Lunada Bay on November 29, 2016.

1 We were approached by a man who introduced himself as Hank. He stated  
2 "Are you guys vandalizing equipment to make us look bad?" He continued  
3 by stating "Although I don't condone violence, just because the fort is done  
4 does not mean that it is going to be safe to surf out here." I subsequently  
5 learned that this persons last name was Harper. Shortly thereafter, the  
6 person in the video from my dash cam walked up the trail carrying a  
7 surfboard. He looked at us and walked by. He said something but I could not  
8 understand what it was.

9 32. Having watched the localism issue over the years, I am  
10 frustrated and discouraged by the way the City of Palos Verdes Estates and  
11 the police have handled it. Until just recently, City officials have publicly  
12 stated that the Bay Boys and localism were an "urban legend." I would like  
13 to be able to visit Lunada Bay to surf without fear of physical and verbal  
14 attack or the hassle of dealing with the Bay Boy bullies. I would like to be  
15 able to visit the Lunada Bay bluff, shoreline, and water to explore and surf  
16 without fear of having my car vandalized. I want the Bay Boys and other  
17 locals to be barred from using this beach for sufficient time to change  
18 attitudes and to give access to the beach back to the public.

19 33. I want the City of Palos Verdes Estates to enforce its ordinances  
20 fairly and for it to provide signage so people will know Lunada Bay is a  
21 public beach. I want the City of Palos Verdes Estates to improve amenities  
22 in a fashion that makes it safer, provides improved access to all beachgoers,  
23 and is both consistent with this rural spot, the California Coastal Act, and  
24 state and federal law. For example, access trails to the shoreline should be  
25 clearly marked to make it safer for people visiting to navigate down to the  
26 shoreline. And no person should be allowed to block the access trails or to  
27 intimidate visitors on the bluff top, on the shoreline, or in the water. I want  
28 Palos Verdes Estates police to be available to help when people are

1 unlawfully excluded. In short, I want to be able to visit Lunada Bay without  
2 being harassed. And if I am harassed, I want the City of Palos Verdes  
3 Estates police to take my complaints seriously.

4 I declare under penalty of perjury under the laws of the United States  
5 of America that the foregoing is true and correct.

6 Executed in Torrance, California on December 27, 2016.

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8   
9 KENNETH CLAYPOOL

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# Exhibit 1





# Exhibit 2





# Exhibit 3

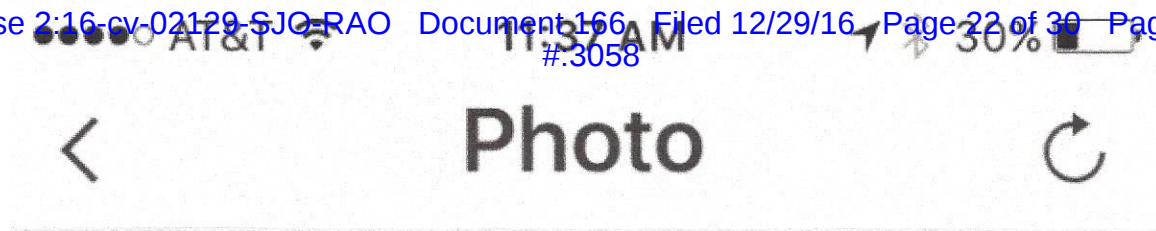




LUNADA BAY in PALOS VERDES CALIF 1995/96 Surf localism News  
Stories

# Exhibit 4





**southbayloco**



♥ **cwclaypool** and 1 others





# Exhibit 5



# Exhibit 6





# Exhibit 7





# Exhibit 8



